

Project Names: Midtown Parking Structure Right-of-Way, Calaveras
at Abel St. Right Turn, Main Sewage Pump Station Site Improvements
Project Nos.: 8154, 4186 & 6079

AMENDMENT NO. 1 TO AGREEMENT FOR CONSULTATION SERVICES
BETWEEN THE CITY OF MILPITAS AND
OVERLAND, PACIFIC & CUTLER, INC.

This Amendment is entered into this 1st day of June, 2004, by and between the City of Milpitas, a municipal corporation of the State of California (hereafter referred to as "CITY") and Overland, Pacific & Cutler, Inc. (OPC), (hereafter referred to as "CONSULTANT").

RECITALS

WHEREAS, the parties entered into an Agreement for professional consulting for various Capital Improvement Projects, on April 7, 2004; and

WHEREAS, the parties desire to amend the Agreement to allow CONSULTANT to provide professional services necessary to provide additional consulting services as noted herein,

NOW THEREFORE, in consideration of the mutual covenants and conditions herein contained, the parties agree to amend the Agreement as follows:

1. Section 2, entitled "Compensation", is amended as follows:

The first sentence shall be revised to read, "City hereby agrees to pay Consultant an amount not to exceed \$273,000.00 for all services to be performed and reimbursable costs incurred under this Agreement."

2. Section 2.1, entitled "Subcontractors", is amended as follows:

The first sentence denoted by the first bullet shall be revised to read, "For administering subcontractor services performed under paragraph 2.1 of this agreement, Consultant shall be compensated for actual expenses incurred when subcontracting these services plus five percent (5%) administrative cost not to exceed \$5,575.00."

3. Exhibit A, entitled "Scope of Services", shall be amended to add Exhibit AM-1-A, "Scope of Services for Project 6079" which identifies new services to be provided under this agreement. All references to Exhibit A, as contained in Sections 1, 1.1, 1.3, 2.2, 2.4, 3, 4, and elsewhere, shall be revised to read, "Exhibit A and Exhibit AM-1-A."

4. Exhibit B, entitled "Compensation Schedule", shall be amended to add Exhibit AM-1-B, which identifies fees for new services to be provided under this agreement. Section 2.5, entitled "Hourly Fees", is amended as follows:

The first sentence shall be revised to read, "Fees for work performed by Consultant on an hourly basis shall not exceed the amounts shown on Exhibit B and Exhibit AM-1-B."

5. All other provisions of the Agreement shall remain in full force and effect.

This Amendment is executed as of the date written above.

APPROVED BY:

CITY OF MILPITAS:

CONSULTANT:

Asst. City Engineer as to Content

Overland, Pacific & Cutler Inc.

City Attorney as to Form

City Manager

ATTESTED BY:

City Clerk